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New York

SUMMARY RECORD OF THE 21st MEETING

Chairman: Mrs. SHAHANI (Philippines)

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20 October 1978

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 82: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/33/199 and Add.1; E/CN.4/Sub.2/404 (vols. I, II and III), E/CN.4/405 (vols. I and II); A/33/151 and A/33/206)

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AGENDA ITEM 74: WORLD CONFERENCE TO COMBAT RACISM AND RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL (A/33/262, A/33/206)

1. Mr. RAHMTALLA (Sudan), speaking on items 81 and 82, reaffirmed his Government's firm commitment to the right of self-determination and the right of the peoples under colonial domination and foreign occupation to use all means, including armed struggle, to secure freedom and independence. Despite the invaluable work of the United Nations in promoting the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, positive action was needed more than ever before to speed the process of decolonization.
2. His country had acceded to both the Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid and welcomed the fact that by August 1978 some 100 States had become parties to the former Convention.
3. Racism was a shameful page in the history of mankind. Addressing the current session of the General Assembly in his capacity as Chairman of the Organization of

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(Mr. Rahamtalla, Sudan)

African Unity, President Gaafar Mohammed Nimeri of the Sudan had said that the consistent violation of basic human rights in South Africa was an affront to the moral codes of the world community; Africa, although it appreciated the United Nations condemnation of racial discrimination as a crime against humanity and a danger to international peace and security, emphatically reiterated that there remained no alternative but direct armed confrontation with the racist régime and wished to remind the Assembly of the numerous United Nations resolutions and decisions recognizing the legitimacy of struggle, including armed struggle, against racial discrimination. He had gone on to call for strict implementation of Security Council resolution 418 (1977) providing for a complete arms embargo against South Africa and severance of all forms of military and economic co-operation with it, and had drawn attention to the danger inherent in the growing nuclear capacity of the fascist Pretoria régime, which it owed to the very Powers that boasted that their Charters and Constitutions embodied the basic principles of human rights.

4. The OAU summit meeting at Khartoum had carried further the efforts of the Maputo and Lagos Conferences and had been followed by the World Conferences to Combat Racism and Racial Discrimination. Africans instinctively understood the organic relationship between zionism and racism and recognized that the Pretoria and Salisbury régimes were but two sides of one coin. The Sudan wished to see a comprehensive and just settlement in the Middle East based on full recognition of the legitimate rights of the Palestinian people, including the right to establish their own State on Palestinian soil under the leadership of the Palestine Liberation Organization.

5. Each sector of the Sudanese National Council for Friendship, Solidarity and Peace had adopted a resolution in observance of International Anti-Apartheid Year and on 1 May, Workers' Day, the Sudanese workers' organization had held a ceremony in celebration of the Year. Finally, during the OAU summit meeting at Khartoum Sudanese popular organizations had held a national congress in solidarity with the freedom fighters, particularly in South Africa, Zimbabwe, Namibia and Palestine. That congress had been attended by leaders of the Patriotic Front in Zimbabwe, SWAPO, ANC, PAC and a representative of PLO and had issued a document entitled "The Khartoum Declaration on the Eradication of Racial Discrimination in southern Africa".

6. Mrs. DINC MEN (Turkey) said that Turkey, whose war of independence had set the first example of a successful anti-imperialist struggle, unswervingly supported the right of peoples to self-determination as an effective guarantee of the observance of human rights, had repeatedly shown its firm opposition to all forms of racial discrimination, and supported all endeavours by the United Nations to eliminate it once and for all. A dignified life for everyone could be based only on justice and equality. There was a clear link between the inalienable right of peoples to self-determination and fundamental human rights: only when self-determination had been achieved could a people undertake the measures necessary to ensure human dignity, full enjoyment of human rights and political, economic, social and cultural progress for all human beings without discrimination.

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(Mrs. Dincmen, Turkey)

7. The principle of equal rights and self-determination, embodied in Article 1 of the Charter and further elaborated in General Assembly resolution 1514 (XV), co-sponsored by Turkey, had played a key role in the history of the United Nations. General Assembly resolutions had repeatedly affirmed the legitimacy of struggle for self-determination and independence from colonial domination and had strongly condemned all Governments that did not recognize that right. Decolonization was an area in which the historic achievements of the Organization were unanimously acknowledged, for millions of people formerly under colonial rule had attained independence. However, the United Nations had not yet succeeded in eliminating the iniquity of colonialism. There were still peoples who were being denied the right of self-determination and were fighting to free themselves from the colonial yoke.

8. In direct contravention of the Charter and the Universal Declaration of Human Rights, the policies of apartheid, constituting an unparalleled denial of human rights, were depriving the majority of the people of South Africa of equal political, economic and social rights and of the right to voice their grievances by legal and constitutional means. Peace and national harmony could never be achieved by the bantustan plan for making the majority of the people aliens in their native land. Nor could the world remain indifferent while the Pretoria régime continued to oppress the black population of Namibia, where its illegal presence continued despite universal condemnation. Her Government was a founding member of the Council for Namibia, played an active role in its unique, historic mission and sincerely hoped that South Africa would understand the need to co-operate with the United Nations in giving the Namibian people independence before it was too late. Similarly, the illegal minority régime in Zimbabwe continued to deny the majority of the people the right to choose their own destiny, intensifying repressive measures and inviting further violence and destruction.

9. In the Middle East, the root cause of instability and the major obstacle to peace was the failure to recognize the legitimate right of the Palestinian people to self-determination and independence; she therefore reiterated her country's support for that people's just cause.

10. As stated by Mr. Gros Espiell in his report (E/CN.4/Sub.2/405), the implementation of the right of self-determination involved not only the achievement of independence or other appropriate legal status by peoples under colonial or alien rule but also recognition of their right to maintain their sovereignty in all fields, including economic, social and cultural affairs. Peace and prosperity were indivisible. Self-determination could not be considered apart from its economic dimension; the establishment of an equitable economic order would no doubt speed completion of the decolonization process. As a developing country, Turkey was deeply interested in the establishment of a new international economic order and was eager to contribute to it.

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(Mrs. Dincmen, Turkey)

11. Turkey, being categorically opposed to all doctrines of racial superiority, attached great importance to the success of the Committee on the Elimination of Racial Discrimination and was generally satisfied with the manner in which it discharged its functions and promoted the basic objectives of the Convention on the Elimination of All Forms of Racial Discrimination. However, when adopting decisions the Committee should be extremely careful not to overstep its mandate by dealing with questions of a political nature. The adoption by the Committee of any decision based on one-sided arguments and containing highly controversial elements might reflect on its impartiality and, in the long run, damage its moral authority and effectiveness. Although she would not deal with the substance of the issue, she wished to express her delegation's view that a decision adopted by the Committee at its previous session based on information supplied solely by one party did injustice to the other party, and it would have strong reservations regarding any draft resolution which might endorse that decision.

12. Mrs. VARGAS-CHACON (Costa Rica) said that her country was traditionally and unconditionally committed to the universal realization of the right of peoples to self-determination and to the speedy granting of independence to colonial countries and peoples. Her country's social and economic progress was due to the democratic life its citizens enjoyed. Its experience showed that the necessary first step toward social and economic development was the exercise of the right of self-determination and, in general, absolute respect for human rights.

13. Her country believed that it was not enough simply to adopt high-sounding formulations of United Nations principles; it was necessary boldly and firmly to resolve to contribute to the effective realization of those principles. Self-determination of peoples meant not only the autonomy and freedom of one country in relation to others at the international level but also the real and actual possibility of a people's determining its own fate and establishing a democratic government.

14. Colonialism was the negation of self-determination. A colonized people was like an inhabitant of an undemocratic country: in both cases, all economic and social progress was frustrated by inability to participate actively in political decision-making. When the political and democratic rights of individuals or of peoples were abridged, they could not take an active part in seeking solutions to their problems.

15. Faithful to that concept, her country had striven consistently, together with the United Nations, for the granting of independence to all Territories under the colonial yoke and had lent particular support to resolutions concerning Namibia and Zimbabwe and the repeated condemnation of the Governments of South Africa and Rhodesia, which, in addition to their unacceptable colonialist attitude, were guilty of the inhuman aberration of racism and apartheid, the very negation of human dignity.

16. Her delegation unswervingly advocated the elimination of all forms of racial discrimination, the most sordid offence against the human species, since it

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(Mrs. Vargas-Chacon, Costa Rica)

punished people for something that was beyond their control. It was inconceivable that in the modern world considerations of race should be deemed grounds for denying broad groups of human beings access to economic and social development and political rights. Her delegation welcomed the Report of the Committee on the Elimination of Racial Discrimination, as it did all contributions to the struggle against the crime of racial discrimination and apartheid.

17. Closely connected with the principle of self-determination was the persistent problem of Cyprus, where, in disregard of the unity of the population and the wishes of all of its citizens, of whichever origin, repeatedly recognized by United Nations resolutions, a colonial enclave had been established and maintained by force in order to divide the island. Costa Rica upheld the legitimate rights of the Cypriot people to self-determination, independence and unity.

18. Without prejudice to the principle of non-intervention, which had long guided Costa Rica's foreign policy, she wished to appeal to all countries involved in the Middle East problem to try, on the basis of the principles set forth in all the relevant United Nations documents, to reach a definitive agreement which would give effect to the undeniable right of the Palestinian people to self-determination in a national home of their own and, at the same time, guarantee the right of the Israeli people to its existence and to territorial integrity within secure and recognized borders, and enable both peoples to live in peace and to develop. Only goodwill on the part of the leaders of the nations directly concerned and of the world Powers would yield a final peace agreement in the Middle East.

19. Her delegation could not fail to mention its deep concern over the situation in Nicaragua, a sister nation whose people had been deprived in practice of the fundamental right of self-determination, had suffered the mass violation of their human rights and had been subjected to an agonizing experience which had aroused the international community and had unfortunately also produced a violation of the sovereign rights of Costa Rica. Of what importance was it to the world that the Nicaraguan nation showed an image of self-government and self-determination as a sovereign State if its people were living through a political situation that was inconceivable at the present stage of history? The tensions necessarily generated by an undemocratic situation of that nature unfortunately affected neighbouring countries. The plight of a people yearning for self-determination as a first step towards economic and social development was of concern to its neighbours. The Costa Rican people could not close their eyes to the suffering of the Nicaraguans, who were so close to them in history and aspirations. Nor had they been able to avoid becoming victims of the manoeuvres of a tottering Government which sought to distract the attention of its own people from their suffering by creating an international incident with a neighbouring country whose living example of peace, disarmament and democracy had become intolerable to it.

20. Her country had been striving for many years to strengthen human rights by more effective machinery, such as the establishment of a United Nations High Commissioner

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(Mrs. Vargas-Chacon, Costa Rica)

for Human Rights. For the same reason, the President of Costa Rica had proposed the establishment of a University for Peace, an idea which he had put before the General Assembly in his address delivered at the 11th plenary meeting. Her delegation, believing that the factors preventing the realization of the purposes to which the President of Costa Rica had referred must be studied and analysed in order to find the solutions best suited to the needs and characteristics of peoples, called upon peace-loving nations to show support for the proposed University for Peace, which would belong to all mankind.

21. The Costa Rican people welcomed the election of the new leader of the Catholic Church and hoped that his ministry would be conducive to the achievement of peace on earth.

22. In conclusion, she wished to make a clarification in connexion with the Report of the Committee on the Elimination of Racial Discrimination (A/33/18). Paragraph 77 of that report, made mention of fifth reminders to the Governments of Costa Rica and Swaziland, requesting them to submit their periodic reports. The Permanent Representative of Costa Rica had attended the meeting of the Committee held on 20 July 1978, had explained the reasons for the delay, and had informed the Committee that the appropriate reports would be transmitted in due time.

23. Mr. SOBHY (Egypt) said that peoples were not in a position to enjoy other fundamental rights if they did not enjoy the right of self-determination. For that reason, when the rights of the peoples of Namibia, Azania, Zimbabwe and Palestine were discussed, the first right to be insisted on was the right of self-determination. Although that year the United Nations was celebrating the thirtieth anniversary of the Universal Declaration of Human Rights, the peoples of Namibia, Azania, Zimbabwe and Palestine were not as yet able to exercise their right to self-determination. That occasion would be appropriate for adopting measures with a view to enabling them to exercise that right and thus all other human rights.

24. There was international unanimity of opinion that the realization of a just and lasting peace in the Middle East required the exercise by the Palestinian people of its legitimate right to self-determination. Israel should therefore make efforts in that direction. Likewise, States involved in the establishment of peace in that region should bear in mind that delaying tactics or violation of that fundamental right of self-determination would only stand in the way of the achievement of the just and lasting peace demanded by the international community.

25. Mr. O'DONOVAN (Ireland) said that, following the development since the Second World War of the principle of self-determination of peoples, there was now general agreement that political self-determination was a fundamental right, and the economic, social and cultural aspects of that right were also recognized. The right to self-determination had been affirmed in the International Covenants on

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(Mr. O'Donovan, Ireland)

Human Rights, and the growing number of States Members of the United Nations attested to the realization of that right.

26. The two reports before the Committee prepared by the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/404 and E/CN.4/Sub.2/405) reflected the personal philosophies and methods of their authors. They therefore contained sections that would not command general agreement and they even differed from each other in some important respects, notably with regard to the question of the legal nature of the right of self-determination. He would comment on them further when the Committee took up item 86.

27. With regard to the situation in southern Africa, the Minister for Foreign Affairs of Ireland had noted in his address to the General Assembly that the unresolved issues in that region remained one of the most likely causes of serious international tension, and the resultant diversion of resources and damage to Africa's development were very great. The injustice of domination by one human group over another, the consequent instability and the dangers inherent in delay in resolving such issues were nowhere more evident than in southern Africa.

28. The folly of excluding the majority in Rhodesia from any effective participation in government, the consequences of allowing a situation to drift, and lack of zeal in carrying policies through were evident. A renewed effort must be made to achieve a peaceful transfer of power, since a continued struggle would bring further suffering and misery to all and would entail the risk of a wider conflict. Ireland would continue to implement the sanctions imposed by the Security Council.

29. In contrast, there had been cause in the past year to hope that concerted action by the international community would lead to a just and internationally acceptable solution to the question of Namibia. It had therefore been a grievous disappointment when South Africa had rejected the Secretary-General's proposals. Pressure on South Africa must be maintained and the South African Government should be left in no doubt as to the consequences if it further resisted the will of the international community on that issue.

30. The root of the problems in southern Africa lay in the criminal apartheid policies of South Africa. Those policies, which were bound to fail, condemned millions to a second-class existence, destruction of their social and family life and repression if they tried to resist, and they deprived the country of the talents of many of its most gifted citizens. The descendants of those who had themselves successfully fought for self-determination now denied it to their fellows. South Africa's claim to be acting in defence of Christianity and Western civilization should be rejected by the Western countries that held those values.

31. Although Ireland had not experienced the evils of racism based on the colour of a person's skin, it had memories of colonialism and of the discrimination inherent in that system. It therefore supported unequivocally the right of peoples to self-determination and would continue to do so.

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32. Mr. MAHAMIDOU (Niger) said that the effective guarantee and observance of human rights, the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples were essential conditions for maintaining international peace and security. Although his country, to a greater extent than many which would like to be regarded as the torchbearers of the struggle for human rights, had, ever since the attainment of its independence, ensured respect for the fundamental rights of its citizens, it would not dwell at that point on the question of human rights because it felt that a certain number of questions needed to be solved first. Two of those questions were the right of peoples to self-determination and the right of States and their populations to security within their borders.

33. With regard to the right of peoples to self-determination, his country could not but condemn the attitude of certain Powers that, by the endorsement and support they gave to the colonialist, racist and retrograde régimes of South Africa, Zimbabwe and Namibia, violated General Assembly resolutions 1514 (XV) and 2625 (XXV). His delegation wished to ask the Governments of those countries with which his country maintained a special relationship to understand the need to promote the assumption of power by the black majority in that part of Africa. In any event, the acts they were committing in contempt of the international community could delay that assumption of power by only a few years, or even a few months.

34. His country continued to give substantial support to the national liberation movements of Zimbabwe, Namibia and South Africa through the Organization of African Unity.

35. With regard to Western Sahara, his delegation was in favour of the decision taken in resolution AHG/Res.92(XV) of the Assembly of Heads of State and Government at its fifteenth ordinary session (A/33/235) to set up an ad hoc Committee to consider all aspects of the matter, including the exercise of the rights of the people of that Territory to self-determination.

36. With regard to the Middle East question, his delegation reaffirmed the right of the Palestinian people to a homeland and an independent, sovereign State. It would therefore support any initiative with a view to maintaining a just and lasting peace in that region.

37. The second question the solution of which was a prerequisite to solution of the question of human rights was that of the security of States and their populations within their boundaries. The security of States presupposed respect for their territorial integrity and non-interference in their internal affairs. The security of populations was incompatible with any form of discrimination. All citizens must be equal before the law and have equal access to public and private employment. Another prerequisite for the security of populations was that their means of livelihood and their economic and social development should be ensured.

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(Mr. Mahamidou, Niger)

38. The proclamation of human rights and individual freedoms would be nothing but a snare and a delusion as long as the populations in question were deliberately denied the power and material means for the effective exercise of those rights. His country was determined to ensure that its population had such power and material means, and it hoped that the international community, particularly the Western industrialized countries, would recognize the right of all States and all peoples in that respect.

39. Miss CAO-PINNA (Italy) said that her Government had recently taken two steps aimed at the elimination of racial discrimination: it had made the declaration referred to in article 14 of the Convention on the Elimination of All Forms of Racial Discrimination and it had established an Inter-Ministerial Committee on Human Rights. As Italy's was the seventh such declaration, it was to be hoped that three further declarations would soon be made by other States so that the Committee on the Elimination of Racial Discrimination could consider communications from individuals claiming to be victims of violations of the rights set forth in the Convention. Italy's declaration reflected the growing importance that her country attached to all forms of international vigilance regarding the situation of human rights in all countries, including those forms promoted by individuals. Addressing the General Assembly recently, the Minister for Foreign Affairs of Italy had said that, just as at the national level the recognition of a right might remain a dead letter unless a citizen was given the possibility of appeal, so the international protection of human rights might similarly remain a dead letter unless the individual was allowed the opportunity of upholding such rights before international bodies. Her delegation welcomed the draft resolution in document A/C.3/33/L.10, but felt that its text should include a reference to the possibility that States parties might consider making the declaration provided for in article 14 of the Convention, as had the resolution on the same subject adopted at the previous session. If that article was included, it would then wish to become a sponsor of the draft resolution.

40. With regard to the report of the Committee on the Elimination of Racial Discrimination (CERD) contained in document A/33/18, her delegation noted that while the decision on the grouping of the items of the current session's agenda had been a necessary one, it was detrimental to the fruitful discussion which had developed in recent years between the General Assembly and CERD. If the Third Committee was to be able to fulfil its task adequately, other less radical solutions should be explored, especially with regard to the reports of ad hoc bodies entrusted with the implementation of international conventions. That applied not only to reports submitted by CERD but also to those of the Human Rights Committee.

41. Noting that the interval at which reports were to be submitted by countries under the International Covenants on Human Rights was less close than that established by article 9 of the Convention on the Elimination of Racial Discrimination, her delegation wished to draw attention to the possibility of co-ordinating the timing of the reporting system under international instruments. It appreciated the constructive way in which CERD had dealt with the failure of a number of States parties to file the required national reports (A/33/18, para. 71) and it was interested in the suggestions made with regard to the use of the programme of advisory services to solve that problem.

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(Miss Cao-Pinna, Italy)

42. With regard to the question of the formulation of general guidelines to assist States parties in implementing article 7 of the Convention, her delegation wished to reaffirm its previously stated position and to add that freedom of expression was fully enjoyed in Italy. Her country was therefore unlikely to impose any restriction on the press that the general guidelines might recommend. Her delegation appreciated CERD's caution and its co-operation with UNESCO in the consideration of that delicate question. She wished to voice some reservations regarding that Committee's tendency to express itself on political issues in terms that went beyond the scope of the Convention and the Committee's competence and it agreed with the statement made in that connexion in paragraph 354 of the Committee's report (A/33/18).

43. With regard to agenda item 82, the fact that few comments had been made by delegates on either of the reports prepared by the Special Rapporteurs (E/CN.4/Sub.2/404 and E/CN.4/Sub.2/405) was in itself an indication of the difficulty they were experiencing in dealing with them adequately. Those difficulties could be attributed to the late distribution of the reports in question, uncertainty as to the outcome of their consideration in the Sub-Commission, and the fact that the Committee had not had the benefit of introductory statements by the authors of the two studies. Her delegation appreciated the initiative taken by the Sub-Commission, since no analysis had so far been made of the relationship between the principle of self-determination of peoples and that of the enjoyment of human rights. The two studies by the Special Rapporteurs deserved careful consideration, since the terms of their conclusions and recommendations went beyond those of common article 1 of the International Covenants on Human Rights. The two reports had appeared at a time when an effort was being made to define the difference between individual human rights and collective rights, and to define the nature and content of the right to development. Her delegation therefore wondered how useful the declaratory resolution on self-determination proposed by Mr. Gros Espiell (E/CN.4/Sub.2/405) would prove at a stage where those efforts were still under way.

44. For all those reasons, her delegation felt that the Commission on Human Rights should consider the two reports in depth before the General Assembly expressed itself on them. The decisions that the Committee would take on self-determination at the current session should consequently not be based on the conclusions reached and the proposals made by the two Special Rapporteurs.

45. Mr. BOUH (Djibouti) said that the victorious struggle of peoples under colonial and foreign domination was part of the great struggle of the developing countries to establish a new international economic order and should have the decisive support of the international community so that the ideals of justice, equality and respect for the rights of peoples to self-determination and independence could triumph. His country vigorously condemned the continued existence - which constituted a crime against humanity and a constant threat to détente and world peace - of the régimes in South Africa and Rhodesia and the Zionist entity of Israel, and pledged its support for the struggle being waged by PLO, SWAPO and the Patriotic Front in Zimbabwe. The international community, having

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(Mr. Bouh, Djitouti)

adopted various resolutions to deal with the oppressive régimes in those countries, should fulfil its moral obligations by strengthening its assistance to the organizations which were the authentic representatives of the peoples in their struggle against the policies of apartheid and zionism.

46. His country condemned all forms of racial discrimination and wished to thank the Human Rights Committee for the valuable work it had been doing.

47. Mr. AZIZ (Afghanistan) said that the principle of self-determination had become a fundamental principle of positive international law through its incorporation in the United Nations Charter. Specific rules with regard to the content of the right to self-determination and the resulting responsibilities of States had evolved through the adoption of many conventions, declarations and resolutions by the United Nations, in particular resolution 1514 (XV). Afghanistan, as a member of the Special Committee of 24 and the Sub-Committee on Small Territories, had made a positive contribution to the decolonization activities of the United Nations.

48. Colonialists, while actually motivated only by political considerations, expansionism and the desire to exploit the economic resources of the colonies, put forward many false rationalizations to justify their domination of foreign lands. Furthermore, in order to protect their interests the colonial Powers resorted to armed force, hypocrisy and pseudo-legal ideologies and imposed inequitable treaties and oppressive measures on the indigenous populations.

49. More than 70 nations whose peoples had formerly been under such colonial rule had joined the United Nations as sovereign independent States since its founding in 1945. However, despite the achievements of the United Nations in the decolonization process, there were still some 12 million people in various parts of the world living under alien rule. No fewer than 7 million of those people were suffering under the most inhuman system of repression and discrimination at the hands of white racist minority régimes in southern Africa.

50. His delegation was gravely concerned at the threat to international peace and security caused by the illegal occupation of Namibia by South Africa. The Namibian people must be allowed to exercise their inalienable rights to self-determination, freedom and national independence in a united Namibia under the leadership of the South West Africa People's Organization. His delegation supported the Lusaka Declaration of the United Nations Council for Namibia, which strongly condemned South Africa for its illegal decision to annex Walvis Bay, and the Declaration and Programmes of Action of the Maputo International Conference in Support of the Peoples of Zimbabwe and Namibia and the ninth special session of the General Assembly on the question of Namibia.

51. The situation in Southern Rhodesia, brought about by the diabolical intrigues of the illegal minority régime, had deteriorated and it could no longer be denied that the oppressive and evil policies of the racist Smith régime constituted a threat to international peace and security. With regard to the so-called internal settlement, which had only escalated and broadened the conflict, it would be naive

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(Mr. Aziz, Afghanistan)

to suppose that the Smith régime had had a change of heart and had been converted to belief in majority rule. Smith's real objective was rather to impede a genuine transfer of power by introducing a system which, while appearing to transfer power to the black majority, in reality kept the means of oppression in the hands of his régime.

52. Turning to the situation in South Africa, he said that the observance of the thirtieth anniversary of the Universal Declaration of Human Rights and the proclamation of 1978 as International Anti-Apartheid Year would have no real meaning for the people of Azania if the economic and military assistance of certain countries to the racist régime in South Africa was not discontinued. In that connexion his delegation stressed the importance of Security Council resolution 418 (1977), which called for a mandatory arms embargo against South Africa and demanded that the Security Council strictly enforce the resolution's provisions. In reaffirming his delegation's support for the establishment of majority rule in Azania, he strongly condemned the programme of bantustanization being carried out by the racist régime in Pretoria.

53. Noting that the United Nations bore great responsibility for the complex problems of Palestine, he stated that as long as the Palestinian and other Arab peoples of the region did not recover their legitimate rights, there could be neither peace nor stability in the Middle East. The pre-condition for a just and lasting peace in the region was the withdrawal of Israel from all occupied Arab territories and the restoration of the inalienable rights of the Palestinian people to self-determination, as confirmed in General Assembly resolution 3236 (XXIX), including their right to establish a national State of their own.

54. Mrs. SAHGAL (India) noted that the right of peoples to self-determination, proclaimed by Woodrow Wilson at the end of the First World War as a right of peoples in universal terms, had been enshrined in the Charter of the United Nations in 1945 as a necessary principle for the development of friendly relations among nation States. The right had since become a principle of international law embodied in the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, the 1966 International Covenants on Human Rights and the 1970 Declaration on Principles of International Law Concerning Friendly Relations Among States. Those declarations established a close link between the principles of equal rights and self-determination and the other principles of international law concerning friendly relations and co-operation among States. It could be said that the principles of self-determination, the sovereign equality and territorial integrity of nation States and non-intervention in the internal affairs of others formed the basis for mutual co-operation upon which the United Nations rested.

55. The right to self-determination was a multifaceted right which had legal, political, economic, social and cultural aspects. The Special Rapporteur, Mr. Cristescu, in his study in document E/CN.4/Sub.2/404, gave an extensive account of the relationship between the right of peoples to self-determination and their economic, social and cultural development, as well as an account of the exercise of that right in the context of the anti-colonial struggle. It was clear that the right to self-determination and the other fundamental human rights all sprang from the same source, namely the recognition of human dignity.

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(Mrs. Sahgal, India)

56. Her delegation had read with great interest the study prepared by Mr. Gros Espiell in document E/CN.4/Sub.2/405, which analysed the meaning of the right of peoples under colonial and alien domination to self-determination. It found very useful Mr. Gros Espiell's definition (paras. 84 and 85) that colonial and alien domination did not exist where a people lived freely and voluntarily under the legal order of a State, whose territorial integrity must be respected - provided that it was real and not merely a legal fiction - and that in such a case there was no right of secession. Her delegation did, however, have one strong reservation regarding the study, namely the incorrect inclusion of Jammu and Kashmir in the list of situations which had not yet been settled (para. 252). Jammu and Kashmir constituted an integral part of India, legally, constitutionally and politically.

57. Miss MANGANARA (Greece) said that racial discrimination was one of the greatest evils of modern times, an offence to human dignity and a serious danger to international co-operation and economic and social progress. It was contrary to the long traditions of liberty and equality of the Greek people and Greece had consistently supported the efforts of the United Nations to combat and eliminate racism and racial discrimination in all its forms. In that connexion she cited the work of the Committee on the Elimination of Racial Discrimination, which had proven an effective instrument for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Her delegation further welcomed the fact that that Committee had shown understanding of situations where, for reasons beyond the control of States parties and usually owing to foreign occupation of part of their territories, States parties had not been able to fulfil their obligations under article 9 of the Convention. A case in point was the situation in Cyprus, concerning which CERD at its eighteenth session had adopted by consensus a decision expressing the hope that a speedy normalization of conditions in Cyprus would be effected and that refugees and other persons in Cyprus would be enabled to enjoy fully their fundamental human rights without discrimination. It was the hope of her delegation that the General Assembly would give effect to that decision, since it concerned a humanitarian problem and could not be ignored without undermining the role of the Committee and the effectiveness of the Convention.

58. Her delegation welcomed the two studies (E/CN.4/Sub.2/404 and 405) which had been prepared under the auspices of the Sub-Commission on Prevention of Discrimination and Protection of Minorities by the Special Rapporteurs, Mr. Gros Espiell and Mr. Cristescu; the studies brought out forcefully the fact that self-determination had not only political but also economic, social and cultural dimensions. Her delegation wished to support the proposal made by the representative of Cyprus that Mr. Gros Espiell should make a complementary study of the effects on self-determination of displacement of populations of occupied territories, the refusal to allow them to return to their homes and lands and the introduction of settlers from abroad with a view to changing the demographic structure of the occupied territory.

59. Despite the progress made in the decolonization process, as shown by the rising number of States Members of the United Nations, there were still regions where the peoples were denied their basic right to self-determination in disregard

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(Miss Manganara, Greece)

of United Nations resolutions and decisions and the efforts of the international community. Greece, because of its history, had always supported the rights of peoples still under colonial domination, foreign occupation and alien subjugation to achieve self-determination and independence. The United Nations must as a matter of urgency undertake fresh efforts to implement its resolutions on the matter. The efforts of the international community should be directed, on the one hand, towards the achievement of independence by peoples still under colonial and foreign domination and, on the other hand, towards the achievement by newly independent countries of their right to shape their economic, social and cultural development in keeping with their own interests.

60. Mrs. GERÉB (Hungary), speaking on item 82, said that the foreign policy of her Government, in accordance with socialist principles, was characterized by full and complete support for the struggle of peoples for their national independence. Hungary had always in the past and would always in the future uphold those principles.

61. Her delegation believed that the universal exercise of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples were necessary pre-conditions for the exercise of human rights and fundamental freedoms. The individual could not take advantage of his human rights as long as his people were oppressed. Thus, individual rights could not be exercised where collective rights were not respected.

62. Her Government had always voted in favour of General Assembly resolutions and resolutions of other international organizations supporting the just struggle of peoples for their national liberation. It had also acknowledged the right of peoples and of liberation movements to use all methods they deemed necessary in the struggle for independence. It was obvious that peoples and liberation movements would like to attain their goals through peaceful means. However, in most cases it was the racist and colonial régimes that, sometimes through violence, forced them to resort to armed struggle.

63. Her delegation welcomed the fact that international détente had contributed to the advancement of the process of decolonization and to the success of national liberation movements. The success of countries that had achieved national independence, as well as of their struggle for economic independence in the face of neo-colonialist manoeuvres, advanced the common goals of the international community: the strengthening of international peace and security, social progress and the well-being of mankind.

64. In spite of various resolutions and decisions adopted in favour of self-determination by members of the international community, racist and colonial régimes had not yet been eliminated. Millions of human beings, particularly in southern Africa, continued to suffer under the violence, oppression and daily humiliation inflicted on them by colonial and racist régimes. It was high time to put an end to all colonial and racist régimes. The inalienable right of the peoples of Namibia, Zimbabwe and Palestine to self-determination, national independence and

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(Mrs. Geréb, Hungary)

sovereignty should be realized as soon as possible. The Hungarian Government and people had always given their political, moral and material support to the national liberation movements.

65. The question arose as to why positive resolutions on self-determination adopted by the international community had not been effective. The fact was that in the case of certain capitalist countries, there was a great discrepancy between their words and their deeds. In violation of the resolutions in question, they continued to lend their political, military and economic support to racist and colonial régimes, thereby contributing to the perpetuation of those régimes. Hungary shared the general opinion that that constituted a flagrant violation of United Nations resolutions and of fundamental human rights. It was incongruous that the countries providing assistance to colonial and racist régimes should seek to play the role of champion of human rights before the international community. It seemed to her impossible to preach the principles of international co-operation, human dignity, and human rights on the one hand and conduct a governmental policy directly contradicting those principles on the other. The question of the effect that that contradiction would have on the future generation should be a source of concern to all countries.

66. Hungary, for its part, would spare no effort to aid all countries in the attainment of their right to self-determination.

67. Mr. RIZINGALA (Uganda), noting that while nearly 100 countries had shaken off the colonial yoke in recent years, which was no small achievement for the United Nations, that should not give rise to complacency or relaxation of the struggle in the area of decolonization.

68. In spite of efforts by the national liberation movements and the resolutions and decisions of OAU, the Security Council, the General Assembly and other forums, the situation in southern Africa was still a disgrace to humanity and an affront to the moral codes of the United Nations. Moreover, the collusion of some States Members of the United Nations with the racist minority régimes in Pretoria and Salisbury was of even graver concern. In order to safeguard their interests, certain Powers had made nuclear destruction technology easily accessible to the racist Pretoria régime. Their investments and particularly their transnational corporations had been instrumental in plundering the resources of the land. That had strengthened Pretoria economically, enabling it not only to perpetuate its repressive régime in South Africa and Namibia but also to increase its military capabilities in order to carry out aggression against neighbouring independent African States. With the help of certain countries, Ian Smith had succeeded in circumventing the sanctions against his illegal régime. The recent issue of a visa by, and his subsequent visit to, the host country constituted a case in point.

69. His country reiterated its unwavering support, materially and otherwise, for all peoples struggling for their self-determination and independence. It hoped that the United Nations would energetically implement measures to assist in that struggle.

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(Mr. Rizingala, Uganda)

70. For that reason, his delegation believed that the most recent Security Council meeting on Namibia should have adopted a definite stand on racist South Africa rather than merely requesting it to co-operate in the implementation of Security Council resolution 435 (1978). He supported the application of punitive measures against South Africa, including the invocation of Chapter VII of the Charter. He hoped that the leading partners of South Africa and their transnational corporations would put the interest of mankind before short-term material advantages.

71. The situation in the Middle East constituted a serious threat to international peace and security. No lasting peace could be achieved in that part of the world until Israel withdrew from all occupied territories and until the national, legal and inalienable rights of the Palestinian people were restored. The right to return to their homeland, to self-determination and to set up an independent Palestine with the participation of the Palestine Liberation Organization must be exercised. He hoped that efforts would be exerted by all parties concerned to avoid further divisions among the Arab peoples during that crucial period.

72. Uganda strongly believed, with other delegations, that as long as apartheid, racism, racial discrimination and foreign domination persisted in South Africa, Zimbabwe, Namibia, the Middle East and other parts of the world no one could expect to see lasting peace and security, because the legitimate struggle for self-determination would be intensified on all fronts.

73. Mr. YUSUF (Somalia), speaking on item 22, said that Article 1 of the Charter asserting the principle of self-determination of people had undoubtedly inspired the Organization of African Unity to give a prominent position in its own Charter to the question of self-determination and decolonization. In accordance with that Charter, his delegation attached great importance to the supremacy of the interests of inhabitants of Territories where a full measure of self-government had not yet been attained.

74. Recognition of the right to self-determination and all that it entailed had been growing. For Africans, the African Freedom Charter adopted at Mwanza as early as 1958 demonstrated that the crucial importance of self-determination had been recognized at that time. Similarly, the principle of self-determination had quickly been recognized throughout the world as a right. Yet there was still determined opposition of certain colonialist régimes that claimed that the stress on "territorial integrity" and the "political independence of States" in the United Nations Charter could be interpreted as exempting areas seized in Africa in the 1880s from the applicability of the right to self-determination.

75. All colonized people without exception had the right to self-determination. The Declaration on the Granting of Independence to Colonial Countries and Peoples referred to colonialism in "all its forms and manifestations". Thus it did not limit itself to colonialism involving subjugation of non-European peoples by Europeans but took an approach emphasizing the fact of subjugation of a people by a racially or ethnically distinct group, which need not be European.

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(Mr. Yusuf, Somalia)

76. Common article 1 of the Human Rights Covenants affirmed that all peoples - and he wished to stress the words "all people" - had the right to self-determination. Article 73 of the Charter of the United Nations was very clear with regard to the right of colonized peoples. The Annex to General Assembly resolution 1541 (XV), under principle VI, recognized three options with respect to the attainment of self-government, namely, complete independence, free association with another territory, or integration with an independent State. That resolution also stated that free association should be the result of a free and voluntary choice by the peoples of the Territory concerned, expressed through informed and democratic processes. Namibia, to cite one example, could not be said to have made such a choice, for its people had never been given the opportunity to express their wishes.

77. Mr. Cristescu's report (E/CN.4/Sub.2/404, vol. I, para. 41) rightly stated that the principles of the Declaration on the Granting of Independence to Colonial Countries and Peoples should be universally applicable to all the peoples of the world and that independence should depend solely on the free will and determination of the peoples themselves and not on any other influence. The situation could thus be summed up in the following terms: Self-determination was a fundamental right in contemporary international law; the right was available to all peoples who were in actual fact subjected to colonialism.

78. With regard to the question of armed resistance to the colonial régimes, attempts had been made to discredit legitimate struggles for freedom that resorted to armed resistance on the basis of the emphasis given by the United Nations and regional associations to the peaceful resolution of conflicts, territorial integrity, and the principles of non-interference in internal affairs. Those attempts had been recognized as efforts on the part of colonial régimes to justify the few cases of persistent colonialism still in existence. All those who contributed directly or indirectly to frustrating the efforts of liberation movements deliberately violated the principles of the Charter and committed international crimes entailing penal responsibility. General Assembly resolutions 2627 (XXV), 3103 (XXVIII) and 3382 (XXX) recognized the legitimacy of the struggle of peoples under colonial domination and their right to receive moral and material help in accordance with the purposes and principles of the Charter of the United Nations. He drew attention in that connexion to article 7 of the Definition of Aggression in General Assembly resolution 3314 (XXIX).

79. That did not mean that political self-determination applied to every group that sought to assert it, but the principle of self-determination always applied to the subjects of an empire, regardless of whether that empire was called a Community, a Commonwealth or even a Provisional Military Government.

80. His delegation believed that the Committee should boldly discuss violations of human rights in all countries, mistreatment of minorities and the various forms of racial, religious and sexual discrimination practised daily in many parts of the world. Routine statements referring only to southern Africa and the Middle East and optimistic descriptions of one or another political system would not suffice. Members should address themselves honestly to the real issue and make

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(Mr. Yusuf, Somalia)

firm commitments to uphold the universal realization of the right of peoples to self-determination and to the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights.

81. He wished to reiterate his Government's well-known position on the elimination of all forms of racial discrimination and, as Somalia was an African country, he particularly stressed its total opposition to apartheid. It believed that until the entire issue of the Palestinians' right to self-determination was solved, there would be no lasting peace.

82. All peoples had the right to enjoy access to the natural wealth of their countries as an integral part of the right to self-determination, to choose their own form of government and to live freely in accordance with their cherished traditions. They had the right to be free from any form of interference, particularly material interference, by any more powerful nation or people. In that connexion he said that the condemnation of the individual mercenary should be extended to cover the State-organized mercenary armies currently interfering in African affairs. Those forces posed the threat of a new colonialism to the independence of the African continent.

83. His Government shared the anxiety expressed by the Deputy Director of the Division of Human Rights that the urgent tasks confronting the United Nations might well require more substantial support if they were to be brought to a successful conclusion. Somalia was ready to give that support.

The meeting rose at 1.05 p.m.